

Serial No. 10/583,485

Response dated January 7, 2011

Response to Final Office Action of July 7, 2010

REMARKS

Applicant has carefully reviewed and considered the Final Office action. In response, applicant hereby submits the above amendments including amendments to claims 1, 17 and 19 and cancellation of claims 5 and 13, and the following remarks together with a request for continued examination.

By this response, claims 1-4, 6-12, and 14-20 are pending. The examiner has rejected claims 1, 3, 4, 6, 7, 10, 11, and 20 under 35 USC §102(b) as anticipated by US Patent No. 844,288 to Purdy. The '288 patent does not teach all of the required elements of claim 1. Specifically, the reference does not teach a coupling element operatively connected to the power transmission member between the end sections as required by claim 1. The power transmission member is in the form of a tubular member or trunnion having end portions which comprise a rotatable bush. *Applicant's specification, p. 17, ll. 8-12.* Clearly, the '288 patent does not teach the use of a power transmission member having end portions which comprise a rotatable bush therein as defined in the present application.

Even more, claim 10 requires "a plate mounted to said power transmission member for at least partial rotation relative thereto" and claim 11 requires "retaining rings on the outer surface of the power transmission member to limit lateral movement of the plate." Again, the '288 patent does not teach use of a plate mounted to a power transmission member or rings mounted thereon to prevent movement of a plate.

For these reasons, claims 1, 7 and 10, and those claims that depend therefrom, are believed to distinguish over the cited prior art reference.

Next, the examiner rejects claims 2, 12, 14 and 18 under 35 USC §103(a) as being obvious over US Patent No. 844,288 to Purdy in view of US Patent No. 538,895 to Casgrain. The propriety of any rejection based upon 35 USC §103 rests upon whether "the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter *as a whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.”¹ The manual of patent examining procedure § 2143.03 aptly states that “[t]o establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art,” and that “all words in a claim must be considered in judging the patentability of that claim against the prior art.” (citations omitted). “[t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.”² In other words, to reject a claim as *prima facie* obvious based on features disclosed in the art, there must be some suggestion of the desirability of making the combination, and that suggestion must come from the prior art. Section 2143.01 MPEP, ch. 2100, p. 137 (“the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”) (emphasis in original). The examiner cannot substitute unsupported assertions for this suggestion or motivation.

In this regard, it is clear that contrary to the examiner’s assertion neither Purdy nor Casgrain disclose a wheel in the form of a sheave having “a plurality of grooves formed in the outer peripheral surface thereof” or “a plurality of cables each being associated with a respective groove and cavity in the sheave” (emphasis added) as set forth in the present application in dependent claim 2. Rather, Casgrain merely discloses a single band. Accordingly, Casgrain could not possibly teach or suggest a need for a plurality of grooves formed in an outer peripheral surface of wheel as no need would exist for such.

¹ *Graham v. John Deere Co.*, 383 U.S. 1, 13; 48 USPQ 459, 465 (1966).

² *In re Laskowski*, 871 F.2d 115, 116, 10 USPQ2d 1397, 1398 (Fed. Cir. 1989) (citing *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)) (emphasis added).

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Similarly, Casgrain does not teach or suggest a plurality of cables associated with said grooves. Lacking these features, it cannot be said that all of the present claim limitations are taught in or suggested by the prior art, and the rejection should fall. Since all claim limitations must be taught or suggested by the prior art and all words in a claim must be considered in judging the patentability of that claim against the prior art to establish *prima facie* obviousness, this claim should be allowed for each of the foregoing reasons.

Next, the examiner rejects claims 8 and 9 under 35 USC §103(a) as being obvious over US Patent No. 844,288 to Purdy in view of published US Patent App. Ser. No. 2004/0083607 to Campbell. Since claim 8 depends from claim 7, claim 9 depends from claim 8, and claim 7 depends from amended claim 1, both claims should be allowed as claims 1 and 7 have been shown to patentably distinguish over the cited references. As such, each of the dependent claims are likewise allowable.

Next, the examiner rejects claims 15 and 16 under 35 USC §103(a) as being obvious over US Patent No. 844,288 to Purdy and US Patent No. 538,895 to Casgrain in view of published US Patent App. Ser. No. 2004/0083607 to Campbell. Since claim 16 depends from claim 15 and claim 15 depends from claim 14, both claims should be allowed as claim 14 has been shown to patentably distinguish over the cited references. As such, each of the dependent claims are likewise allowable.

Last, the examiner rejects claims 5, 13, 17 and 19 under 35 USC §103(a) as being obvious over US Patent No. 844,288 to Purdy in view of published US Patent App. Ser. No. 2005/0023113 to Karnes. Since claims 5 and 13 are cancelled, the rejection with regard thereto is not moot. With regard to claims 17 and 19, each has been amended to depend from claim 1 and thus, both claims should be allowed as claim 1 has been shown to patentably distinguish over the cited references. As such, each of the dependent claims are likewise allowable.

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Summarizing, Purdy does not anticipate claims 1, 3, 4, 6, 7, 10, 11, and 20 as suggested by the examiner. Similarly, neither Purdy nor Casgrain, either alone or in combination, provide the suggestion or motivation for the structure set forth in dependent claims 2, 12, 14 or 18 nor do the remaining rejections under Section 103 based on various combinations of Purdy and Casgrain with additional art. The rejection of these claims should be withdrawn and is respectfully requested. The claims depending respectively from these claims, i.e., at least claims 8 and 9, 15 and 16, 17 and 19 are therefore also in condition for allowance under the teachings of *in re fine*,³ and should similarly be allowed.

For at least the foregoing reasons, the applicant submits that all claims are in a condition for allowance and requests a timely notice of allowance to be issued for same. *To the extent any fees are due beyond those expressly authorized in the accompanying transmittal forms for the request for continued examination (and extra claims fees) and petition for three (3) month extension of time to respond to the pending office action, the undersigned authorizes their deduction from deposit account no. 11-0978.*

Respectfully submitted,

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³ *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (“Dependent claims are non-obvious under 35 U.S.C. 103 if the claims from which they depend are non-obvious.”).